

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-12884- APPLICANT: STEVE GREGORY - OWNER: CASINO CENTER PROPERTIES, LLC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2/se/sd vote) recommends APPROVAL, subject to:

1. The limits of this Vacation shall be all portions of the public alleys south of Garces Avenue, north of Charleston Boulevard, between 9th Street and 10th Street.
2. If any portion of the alley is proposed to remain public, provide a plan for approval by the City Engineer indicating an alternative alley access route providing a legal through-access for this alley. Such alley access shall be dedicated prior to recordation of an Order of Vacation for this alleyway. The proposed alternative shall provide a turning radius acceptable to the City Traffic Engineer.
3. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including the property not controlled by the applicant (if applicable), so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
4. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation.
5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application or appropriate drainage easements shall be reserved.
6. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
7. Approval of a Site Development Plan Review (SDR-14349) application for development of the abutting parcels prior to the recordation of an Order of Vacation.

8. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
9. All development shall be in conformance with code requirements and design standards of all City Departments.
10. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
11. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
12. The south part of the north/south alley shall retain access to the property at the southeast corner of Garces Avenue and 9th Street.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a Petition to Vacate public alleys generally located south of Garces Avenue, between Ninth Street and Tenth Street.

EXECUTIVE SUMMARY

A mixed-use development is planned for the block that contains the two alleys; this item will be heard concurrently with this Vacation request. The proposed Vacation would not result in a conflict with any existing City requirements. It is recommended that the request be denied, as the recommendation for the related items is for denial; however, if approved and a portion of the alley between Ninth and Tenth Streets is not vacated, the applicant must provide an additional plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, in order to eliminate a potential “no-man’s land.”

BACKGROUND INFORMATION

A) *Related Actions*

- 02/06/91 The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residence), R-3 (Limited Multiple Residence), R-4 (Apartment Residence), P-R (Professional Offices and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) at 715 and 717 South Ninth Street, 714 and 716 South Tenth Street, and 911 East Charleston Boulevard. The Planning Commission and staff recommended approval.
- 10/03/95 The City Council approved a Rezoning (Z-0060-95) from R-1 (Single Family Residence) to P-R (Professional Offices and Parking) at 711 South Ninth Street. The Planning Commission and staff recommended approval.
- 07/05/01 The City Council approved a Rezoning (Z-0002-01) from R-1 (Single Family Residential) to P-R (Professional Office and Parking), a Variance (V-0002-01) to allow 9 parking spaces where 19 spaces is the minimum required and to allow a lot width of 50 feet where 60 feet is the minimum required, a Variance (V-0006-01) to allow a zero-foot corner side yard setback where 15 feet is the minimum required and to allow a five-foot side yard setback where Residential Adjacency Standards require a 90-foot setback, and a Site Development Plan Review [Z-0002-01(1)] for a proposed 7,066 square foot office building and for a waiver of the landscaping requirements on 0.17 acres at 701 South Ninth Street. The Planning Commission recommended denial of all requests. Staff recommended approval of the Rezoning and denial of all other requests.

- 05/25/06 The Planning Commission held this item in abeyance to the 07/27/06 Planning Commission meeting in order to allow the Vacation to be considered concurrently with related applications.
- 09/07/06 The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339 and denial of GPA-14325, VAR-14342, VAR-14345 and SDR-14349 concurrently with this application.
- 09/07/06 The Planning Commission voted 5-2/se/sd to recommend APPROVAL (PC Agenda Item #23/ff).

B) Pre-Application Meeting

A pre-application conference is not required for a Vacation application request.

C) Neighborhood Meetings

- 07/05/06 A neighborhood meeting with 33 citizens in attendance was held in conjunction with the related applications for this project. Area residents were generally in support of the project and the associated vacation. Concerns included parking, traffic, noise, potential street closure, sewer capacity, power service, reflective glass, shadows, and the need for dog walking facilities.

DETAILS OF APPLICATION REQUEST

The area to be vacated is legally described as being a portion of the South Half (S½) of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 34, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) *Planning discussion*

The subject vacation request would relinquish the City's interest in one 20-foot wide alley between Garces Avenue and Gass Avenue separating properties along Ninth Street and Tenth Street, and in one 15-foot wide alley between Ninth Street and Tenth Street. A mixed-use project is proposed for this block and will be heard concurrently with this item.

The applicant does not own the three parcels located at the southeast corner of Ninth Street and Garces Avenue. The site plan included with the submittal indicates that the portion of the alley adjacent to these three parcels may not need to be vacated, and that a new alley may be dedicated south of these parcels. As a condition of approval, the applicant must provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, in order to eliminate a potential "no-man's land." With approval of the planned development, the remaining portion of the alleys would not be necessary.

B) *Public Works discussion*

The following information is presented concerning this request to vacate certain public street rights-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform, as it is to vacate the full width of the public alleys south of Garces Avenue between 9th Street and 10th Street.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, as the alleys only provide rear access to parcels.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Zoning Reclassification ZON-14338 and Site Development Plan Review SDR-14349.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 12 by City Clerk

APPROVALS 3

PROTESTS 1